

REMARKS 7/16/03

The Applicants respectfully request reconsideration and allowance of Claims 1 through 22 in view of the following arguments.

## TELEPHONE INTERVIEW SUMMARY

The Applicants appreciate the telephone interview conducted between Examiner Nguyen and the undersigned attorney on July 14, 2003. In the telephone interview, the undersigned attorney pointed to the meaning of "prioritization scheme" and "prioritized data set" in the present claims and distinguished the synchronization process disclosed in U.S. Patent No. 6,321,236 (the "Zollinger Patent"). The Examiner equated the "list of database tables authorized for update by the client" at Col. 8, lines 20 through 21 in the Zollinger Patent to Applicants' prioritization scheme. The undersigned attorney maintained that the list of database tables described in the Zollinger Patent is not a "prioritization scheme" under the plain meaning of the terms. The Applicants' position with respect to the meaning of the word "prioritization" and "prioritized" is set out more fully below. No agreement was reached as to the allowability of the claims.

## STATUS OF THE CLAIMS

The present application was filed with Claims 1 through 22. Claims 2, 5, 8, 10, 13, 14, 18, 19, and 21 are amended above to address informalities. These amendments do not change the scope of the Claims, but merely correct certain antecedent basis errors in the originally filed claim set. Claims 1 through 22 remain pending in this application.

1 CLAIMS 1 THROUGH 22 ARE NOT OBVIOUS OVER THE CITED PRIOR ART

2 The Examiner rejected Claims 1 through 22 under 35 U.S.C. § 103(a) as being  
3 unpatentable over U.S. Patent No. 6,321,236 to Zollinger, et. al ("Zollinger" or "the Zollinger  
4 Patent"). The Applicants respectfully submit that the claims are not obvious over this reference  
5 on the ground that the prior art patent does not include each element required in the respective  
6 claims. Furthermore, there is no teaching or suggestion to modify the reference as proposed by  
7 the Examiner.

8  
9 The Zollinger Patent

10 The Zollinger Patent is directed to a data synchronization system which particularly  
11 addresses the problem of updating remote copies of a data store where there is no continuous  
12 communication path between the central data store and the remote copies. In order to minimize  
13 the amount of data that must be transferred to the remote client to perform an update, Zollinger  
14 creates update sets periodically at the central data store by comparing a current version of the  
15 data store to a stored reference version. The result is a set of update data that includes just the  
16 data representing the differences between the reference version and the current data store version.  
17 This update data is then used to update the remote data stores as updates are requested.

18 It is important to note that the Zollinger Patent does not teach or suggest any system or  
19 method for synchronizing prioritized, that is, preferentially ordered, data between a client and a  
20 data store. In each case, the system described in Zollinger updates whole data tables without  
21 regard to any preferential order of the data. Even where a client is authorized to obtain updates  
22 for only some database tables from an entire store, the data for the authorized tables is not  
23 arranged in any preferential order. The Zollinger system provides no mechanism for updating a

1 client database from a prioritized, that is, preferentially ordered set of data from the central data  
2 store.

3  
4 Zollinger Fails to Teach or Suggest all of the Elements Set Out in the Claims  
5

6 To establish a prima facie case of obviousness, three basic criteria must be met. First,  
7 there must be some suggestion or motivation, either in the reference itself or in the knowledge  
8 generally available to one of ordinary skill in the art, to modify the reference. Second, there must  
9 be a reasonable expectation of success. Finally, the prior art reference must teach or suggest all  
10 the claim limitations. See M.P.E.P. §2143 (2000).

11 Claim 1 is directed to a method for implicit prioritization of synchronizable data. The  
12 method includes responding to a sync session request from a client device by reading a selected  
13 prioritization scheme associated with a user initiating the sync session request. The method also  
14 includes producing a prioritized data set based on the selected prioritization scheme. The word  
15 “prioritize” means to list or rate in order of priority, and “priority” means a preferential rating.  
16 Webster’s Ninth New Collegiate Dictionary, Merriam-Webster Inc. 1985. Thus, a “prioritization  
17 scheme” as set out in Claim 1 comprises a scheme to list or rate in some preferential rating. A  
18 “prioritized data set” as set out in Claim 1 comprises a set of data that is listed or rated in some  
19 preferential manner.

20 In forming the rejection in view of the Zollinger Patent the Examiner concedes that the  
21 reference does not clearly teach prioritization schemes. In order to make the rejection, the  
22 Examiner found the Applicants’ claimed prioritization schemes to correspond to, or to be  
23 obvious in view of, the profile database discussed at Col. 8, lines 15-28 of the Zollinger  
24 reference. The Applicants disagree with this assessment.

1           The profile database referred to in Zollinger, particularly at the top of Col. 8, contains  
2           information necessary to validate a client requesting an update, and information, such as client  
3           database engine information for example, that is necessary to allow the server to place the update  
4           data in a form suitable for the requesting client. The profile database in Zollinger also stores "a  
5           list of database tables authorized for update by a client." However, the profile database in  
6           Zollinger does not provide any information that would allow data from the data store to be  
7           prioritized, that is, placed in some preferential order. A mere list of database tables taken from a  
8           larger list of tables does not represent a scheme or plan for producing a preferential ordering or  
9           ranking of data. The listing of updatable database tables taught by Zollinger is not a "scheme" in  
10          any sense of the word, and certainly not a scheme for preferential ordering or ranking.

11          In the Office Action, the Examiner pointed to step 110 in Figure 6 of the Zollinger Patent  
12          as disclosing the step of producing a prioritized data set based on the selected prioritization  
13          scheme as required by element (c) of Applicants' Claim 1. However, this step includes only  
14          transmitting to the client update instructions for each database table and the current version  
15          number. Nothing in the description of step 110 in the Zollinger Patent suggests any element in  
16          the Zollinger system that produces a prioritized data set, that is, a preferentially ordered or  
17          ranked, data set. Being a synchronization system, Zollinger certainly does suggest sending data  
18          to the client databases. However, the data Zollinger sends to the client is not in any preferential  
19          order or ranking. It is merely data to be used in updating database tables at the client.

20          The two examples set out in the present application beginning at page 25, line 19 through  
21          page 31, line 12, are especially helpful in understanding the present invention and illustrating the  
22          differences between the Zollinger system and the invention set out in Claim 1. The prioritization  
23          scheme applied in each example is entitled "most used" which ranks data according to a

1 frequency of use parameter. In each example, the prioritized data set comprises a ranking of the  
2 most frequently used records from the source database and the most frequently used data in each  
3 record. The prioritization allows the more limited target database to obtain the most important  
4 data, that is, the most important data as determined by the priority.

5 The Zollinger Patent does not disclose or suggest the use of any preferential ranking or  
6 prioritization scheme and also does not disclose or suggest any preferentially ranked or  
7 prioritized data set. The Zollinger Patent also does not teach or suggest any way to create such a  
8 preferentially ranked data set. Again Zollinger discloses only updating entire data tables without  
9 regard to any sort of priority either within the data table or between data tables.

10 Because the cited reference does not teach or suggest the steps of reading a prioritization  
11 scheme in response to a sync request and does not teach or suggest the creation of any prioritized  
12 data set, the Applicants submit that Claim 1 is entitled to allowance together with its dependent  
13 Claims.

14 The above arguments and comments regarding the prioritization scheme and prioritized  
15 data set apply with equal force to independent Claims 7 and 14. Thus, Claims 7 and 14 and their  
16 respective dependent claims are also entitled to allowance over the Zollinger Patent.

17  
18 There is No Suggestion or Motivation to Modify the Cited Reference as Suggested by the  
19 Examiner

20  
21 The Applicants respectfully submit that there is no suggestion or motivation to modify the  
22 Zollinger reference as proposed by the Examiner in order to meet the Applicants' claim  
23 limitations. As discussed above, the Zollinger Patent does not teach or suggest any prioritization  
24 scheme or creating any prioritized data set as required in the Applicants' claims. Zollinger

1 discloses only using update data sets to make client copies of a data table current with a central or  
2 parent data store. The only suggestion of prioritizing data for the purpose of synchronization  
3 between one data base and another database is found in the Applicants' own disclosure. It is well  
4 established that a modification of a reference under Section 103 may not be made based on the  
5 teachings of an Applicant's own disclosure. Rather the teaching, suggestion, or motivation must  
6 come from the prior art.

7 Because the prior art provides no suggestion or motivation to modify the system shown in  
8 the Zollinger Patent so as to include all of the elements set out in Claims 1, 7, and 14, these  
9 claims are not obvious in view of the cited reference and are entitled to allowance together with  
10 their respective dependent claims.  
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12

## 1 CONCLUSION

2 For all of the above reasons, the Applicants respectfully request reconsideration and  
3 allowance of Claims 1 through 22

4 If any issue remains as to the allowability of these claims, or if a conference might  
5 expedite allowance of the claims, the Examiner is asked to telephone the undersigned attorney  
6 prior to issuing a further action in this case.

7  
8 Respectfully submitted,

9 SHAFFER & CULBERTSON, L.L.P.

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12 Date: 16 July 2003

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24 I hereby certify that this correspondence is being facsimile transmitted to the United States Patent and Trademark Office, (Fax  
25 No. 703-746-7239) on July 16, 2003.

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